

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-30 are active in this application; Claims 1, 16 and 17 having been amended by the present Amendment.

In the outstanding Office Action the specification and Claims 1-30 were objected to as including informalities requiring correction; Claim 1, 2, 6 and 17 were rejected under 35 USC §102(a) as being anticipated by Admitted Prior Art (Figs. 6-8), hereinafter referred to as APA; Claims 3-5 were rejected under 35 USC §103(a) as being unpatentable over APA as applied to Claim 1 above, and further in view of Harada et al (US Patent Application Publication No. 2001/0008311); Claims 7-15 were rejected under 35 USC §103(a) as being unpatentable over APA as applied to Claim 1 above, and further in view of Noda et al (US Patent No. 6,731,538); and Claims 16 and 18-30 were indicated as containing allowable subject matter.

Applicants acknowledge with appreciation the indication of allowable subject matter. However, since Applicants consider that the clarification provided to independent Claims 1 and 16 renders the claims clearly patentably distinguishing, Claims 16 and 18-30 have presently been maintained in dependent form.

In response to the objection to the specification, the informalities identified have been corrected herewith. Likewise, in response to objection to the informalities uncovered in the claims, the noted informalities have also been corrected herewith.

Applicants respectfully traverse the rejection of Claims 1, 2, 6 and 17 under 35 USC 102a as being anticipated by APA.

In particular, at paragraph 6, page 4 of the outstanding Office Action, it is stated that “a conductive layer” cited in claim 1 corresponds to 114a/102a shown in APA Figs. 6 and 8. Amended Claim 1 states the feature of “the conductive layer formed between adjacent gate electrodes being arranged in a direction vertical to the bit line.” If the referenced “conductive layer,” as pointed out in the outstanding Office Action, corresponds to the 114a/102a, the 114a/102a does not meet the limitation “being arranged in a direction vertical to the bit line.” In fact, the element 114a/102a is just a contact (see Fig.8), and thus is not “arranged in a direction vertical to the bit line” as recited in amended Claim 1.

Therefore, it is respectfully submitted that the recited “conductive layer” does not correspond to the contact 114a/102a, but corresponds to element 203 shown in Figs. 1 and 3. From this reason, we do believe that the Claim 1 is allowable, as well as dependent Claims 2 and 6.<sup>1</sup>

Applicants also traverse the rejection of Claims 3 to 5 under 35 USC 103 as being unpatentable APA in view of Harada et al. on the basis that Harada et al do not cure the deficiencies of the APA. Therefore, in view of the apparent patentability of independent Claim 1 for the reasons above noted, dependent Claims 3 to 5 are also believed to be allowable. Similar considerations apply to Claims 7-15 insofar as the applied Noda et al. patent likewise is not believed to cure the deficiencies of the APA with respect to Claim 1. Therefore Claims 7-15 are also believed to be allowable at the very least by virtue of dependency on Claim 1.

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<sup>1</sup>The dependency of Claim 17 has been corrected so as to depend from Claim 16 and not Claim 1, as suggested in the outstanding Office Action.

Consequently, in view of the present amendment and in light of the above comments, the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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